



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEMETRIUS DARBY,

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET  
COMPANY LLC,

Defendant.

16-CV-6435 (AT) (BCM)

**INITIAL CASE MANAGEMENT AND  
SCHEDULING ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

After consultation with the parties, the Court adopts the following case management and scheduling order pursuant to Fed. R. Civ. P. 16:

1. Joinder and Amendment. The parties shall not further amend their pleadings, or join additional parties, absent leave of the Court.
2. Automatic Disclosures. The parties shall exchange the disclosures required by Fed. R. Civ. P. 26(a)(1) no later than **October 25, 2016**.
3. Written Discovery. The parties shall serve their initial requests for production of documents and interrogatories (in compliance with Local Rule 33.3(a)) no later than **November 1, 2016**.
4. Depositions and Additional Fact Discovery. All remaining fact discovery, including depositions, shall be completed no later than **March 17, 2017**. Written discovery must be propounded in time to allow the person served to respond, on the schedule set forth in the Federal Rules of Civil Procedure, prior to this date.
5. Expert Discovery. Disclosure of expert evidence, including the identities and written reports of experts, as required by Fed. R. Civ. P. 26(a)(2)(A), (B), or (C), shall be made no later than **April 7, 2017**. The disclosure of expert evidence intended solely to contradict or rebut expert evidence on the same subject matter disclosed by the opposing party shall be made no later than **April 28, 2017**. Depositions of experts shall be completed no later than **May 26, 2017**.
6. Close of Discovery. All discovery must be completed no later than **May 26, 2017**.
7. Status Conference. The Court will conduct a status conference on **Monday, February 20, 2017, at 10:00 a.m.** One week prior to that date, on **February 13, 2017**, the parties shall submit a joint status letter outlining the progress of discovery to date, as well as any settlement efforts. If no discovery controversies exist at that time, the parties may request that the conference be held telephonically.

8. Summary Judgment. Summary judgment motions, if any (or, if required by the district judge, pre-motion conference letters with respect to summary judgment) shall be filed no later than **30 days after the close of discovery**.
9. Trial. The parties have stated that the anticipated length of trial is one week. Plaintiff has requested a jury trial.
10. Joint Pretrial Order. The parties' proposed joint pretrial order shall be filed, in accordance with the Individual Practices of the district judge, no later than **30 days after the close of discovery**, unless there are summary judgment motion(s), in which case the joint pretrial order shall be filed no later than **30 days after the decision on the motion(s)**.
11. Extensions and Adjournments. Any application for extension or adjournment of the time limits, deadlines or conferences set forth above must be made by letter-motion, in accordance with this Court's Individual Practices, as soon as the need for the extension or adjournment is reasonably apparent to the party making the application. Applications made after the expiration of the deadline in question may be summarily denied.
12. Discovery Applications. Discovery disputes that cannot be resolved after good-faith negotiations may be presented by letter-motion, seeking a discovery conference, in accordance with this Court's Individual Practices. Such applications must be made promptly after the need for court intervention arises, but in no event before the parties have met and conferred, in person or via telephone, with respect to all issues in dispute. An exchange of letters or emails is not sufficient.

Dated: New York, New York  
October 18, 2016

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Barbara Moses', is written over a horizontal line.

**BARBARA MOSES**  
**United States Magistrate Judge**